

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LAQUAN DEVOTA HARRIS,

Plaintiff,

-against-

ROSEMARY VASSALLO, LEGAL AID
ATTORNEY, ET AL.,

Defendants.

23-CV-4440 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated July 10, 2023, the Court directed Plaintiff to file an amended complaint within sixty days. That order specified that failure to comply would result in dismissal of the action. Plaintiff has not filed an amended complaint. Accordingly, the complaint, filed *in forma pauperis* (IFP) under 28 U.S.C. § 1915(a)(1), is dismissed under 28 U.S.C. §§ 1915(e)(2)(B)(ii), (iii).

Plaintiff has filed a number of *pro se* cases in this Court. See *Harris v. Fuster*, ECF 1:18-CV-10196, 11 (CM) (S.D.N.Y. Mar. 29, 2019) (dismissing complaint for failure to state a claim and for lack of subject matter jurisdiction), *recons. denied*, (S.D.N.Y. Sept. 20, 2019); *Harris v. Harris*, ECF 1:19-CV-11658, 8 (S.D.N.Y. June 5, 2020) (dismissing complaint for failure to state a claim); *Harris v. Mt. Sinai St. Lukes*, ECF 1:20-CV-00293, 7 (S.D.N.Y. Feb. 21, 2020) (dismissing complaint for lack of subject matter jurisdiction); *Harris v. Denully*, ECF 1:23-CV-4601, 4 (S.D.N.Y. July 18, 2023) (dismissing complaint for failure to state a claim and on immunity grounds, and granting Plaintiff leave to file an amended complaint); *Harris v. CYA Mgmt.*, ECF 1:23-CV-4599, 1 (S.D.N.Y. filed May 30, 2023) (pending).

Plaintiff has been warned that if he abused the privilege of proceeding IFP, he would be ordered to show cause why he should not be barred, under 28 U.S.C. § 1651, from filing new

actions IFP in this court without prior permission. *See Harris v. Sowell*, ECF 1:20-CV-1306, 8 (CM) (S.D.N.Y. Mar. 20, 2020) (dismissing complaint for failure to state a claim and for lack of subject matter jurisdiction, and issuing warning); *see also Sledge v. Kooi*, 564 F.3d 105, 109-110 (2d Cir. 2009) (discussing circumstances where frequent *pro se* litigant may be charged with knowledge of particular legal requirements.). That warning remains in effect. Further duplicative, malicious, or frivolous litigation in this Court will result in an order directing Plaintiff to show cause why a filing injunction should not be imposed. *See* 28 U.S.C. § 1651.

CONCLUSION

The complaint, filed IFP under 28 U.S.C. § 1915(a)(1), is dismissed under 28 U.S.C. § 1915(e)(2)(B)(ii), (iii).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppededge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to enter judgment in this case.

SO ORDERED.

Dated: September 26, 2023
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge